

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.Chapter 105 (Log #SW029).

The rule clarifies definitions, simplifies the exemption process, simplifies the standards for waste tire generators, transporters, and recyclers, and implements the fee for off-road tires and tires weighing more than 100 pounds. The rule also implements a raise in payments to waste tire processors from \$1 per 20 pounds of waste tire material processed and marketed to \$1.50 per 20 pounds. Waste tire processors have not received an increase since program inception in 1992. The revisions are necessary to meet the standards required by Act 1015 of the 1999 Regular Session of the Louisiana Legislature, which places a fee on off-road tires for their disposal and/or recycling. In addition, many of the sections in the Waste Tire Program regulations have not been updated since inception in 1994. These revisions will make the regulations current. The basis and rationale for this proposed rule are to incorporate the aspects of Act 1015 into the regulations and to make the standard current.

The Department has submitted a report to the Legislative Fiscal Office and the Joint Legislative Committee on the Budget demonstrating that the environmental and public health benefits outweigh the social and economic costs reasonably expected to result from the proposed rule. This report is published in the Potpourri Section of the August 20, 2000, issue of the *Louisiana Register*. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on September 25, 2000, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by SW029. Such comments must be received no later than October 2, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884 or to FAX (225) 765-5095. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of SW029.

This proposed regulation is available for inspection at the following DEQ office locations

from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling

Chapter 105. Waste Tires

§10503. Administration

This program shall be administered by the ~~Solid Waste Division, Office of Solid and Hazardous Waste,~~ Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10505. Definitions

The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

* * *

[See Prior Text]

Agreement—a written contract, ~~purchase order,~~ or other ~~form of~~ written arrangement between recipient persons and the administrative authority that outlines specific goals or responsibilities.

Authorization Certificate—written authorization issued by the administrative authority ~~to an applicant who has completed the waste tire transporter application form and paid the transporter authorization fee.~~

Clean Closure—the act of closing a facility whereby all waste tires and waste tire material are removed, including any resulting on-site or off-site contamination ~~that results from waste tire material placement.~~

Collection Center—~~a location where waste tires can be stored or collected for transport to a permitted waste tire processing facility~~ or authorized location denoted on an authorization certificate where waste tires and waste tire material can be stored and/or collected.

Collector—a person who operates a collection center ~~or who collects more than 50 waste tires on a given site.~~

* * *

[See Prior Text]

Destination Facility — a facility where waste tires and/or waste tire material is processed, recycled, collected, stored and/or disposed after transportation.

* * *

[See Prior Text]

Disposal—the depositing, dumping, or placing of waste tires or waste tire material on or into any land or water so that such waste tires, waste tire material, or an constituent thereof, may have the potential for entering the environment, or being emitted into the air, or discharged into any waters of Louisiana.

~~*End User*—the purchaser of a new tire who will use the tire on a motor vehicle.~~

Facility— any land and appurtenances thereto used for storage, processing, recycling, and/or disposal of solid waste or tire material, but possibly consisting of one or more units. (Any earthen ditches leading to or from a facility that receive waste are considered part of the facility to which they connect; except ditches which are lined with materials which are capable of preventing groundwater contamination.)

Generator — a facility that generates waste tires as a part of its business operations.

Government Agencies —local, parish, state, municipal, and federal governing authorities having jurisdiction over a defined geographic area.

* * *

[See Prior Text]

Manifest—the form, provided by the department, used for identifying the quantity, and composition, and the origin, routing, and destination of waste tires and/or waste tire material during the transportation from the point of generation to the authorized destination point of off-site collection, processing, and disposal.

* * *

[See Prior Text]

Mobile Processor—a standard permitted processor who has processing equipment is capable of being moved ~~moving his processing equipment~~ from one location to another.

Modification— any change in a site, facility, unit, process or disposal method, or operation that deviates from the specification in the permit. Routine or emergency maintenance that does not cause the facility to deviate from the specification of the permit is not considered a modification.

~~*Monofill*—a facility constructed for the purpose of temporary storage of waste tire material.~~

Motor Vehicle—an automobile, motorcycle, truck, trailer, semi-trailer, truck-tractor and semi-trailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power.

Off-Road Vehicle—a vehicle used for construction, farming, industrial uses, or mining, not normally operated on the roads of the state. This term does not include vehicles propelled solely by muscular power.

~~*Other Generator*—any person, business, or governmental entity that generates waste tires as a part of its operations and that is not a new tire dealer, including, but not limited to a used tire dealer, salvage yard, and fleet operator.~~

~~*Permit*—a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, or closure of facilities used or intended to be used to process, or collect waste tires in accordance with the Act, these regulations, and specified terms and conditions.~~

~~*Permittee/Permit Holder*—a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.~~

* * *

[See Prior Text]

~~*Processing*—any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, a tire is considered processed only if its volume has been reduced by cutting it in half along its circumference.~~

~~*Processing Facility*—a site where whole waste tires are cut, sliced, chipped, shredded, distilled, frozen, or otherwise processed so that they are no longer whole.~~

~~*Processor*—a person, company, or local government body (i.e., parish, municipality) that collects and processes waste tires.~~

~~*Promiscuous Tire Pile*—an unauthorized waste tire pile that has resulted from storage or disposal activities by anyone other than the landowner without the landowner's knowledge.~~

~~*Qualified Recycler*—any entity who uses waste tire material in a beneficial manner as determined by the administrative authority.~~

~~*Recycling*—any process by which waste tires, waste tire material, or residuals are reused or returned to beneficial use in the form of products or as a fuel source.~~

~~*Recycling Facility*—a site where waste tire material or residuals are reused or returned to use in the form of products or as a fuel source.~~

~~*Standard Permit*—a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, or closure of facilities or equipment used or intended to be used to process or collect waste tires in accordance with the act, these regulations, specified terms and conditions, and the permit application.~~

~~*Storage of Tire Material*—the accumulation of tire material for recycling or reuse.~~

~~*Temporary Permit*—a written authorization issued by the administrative authority for a specific amount of time to a person for the construction, installation, operation, closure, or post closure of a particular facility used or intended to be used for processing waste tires or waste tire material in accordance with the act, these regulations, and specified terms and conditions.~~

~~*Tire* — a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or off-road vehicle.~~

~~*Tire Dealer*—any person, business, or firm that engages in the sale of new tires for use on motor vehicles.~~

~~*Tire Dealer Location*—each separate site that is owned or operated by a tire dealer or dealership where tires are sold.~~

~~*Tire Retreading Facility*—any facility that converts waste tires into useable tires in accordance with a valid registration with the U.S. Department of Transportation as a tire retreader under 49 CFR 571.177 and 574 (October 1, 1990). This incorporation includes no later amendments or editions. In addition, the site must possess equipment which is capable of retreading at least 20 tires per day when operated in accordance with equipment manufacturer's specifications. Retreaders must maintain documentation at the site that an average of 20 tires per day were retreaded at the site during the previous calendar year. However, an owner or operator who does not have a calendar year in operation may use estimated production for the first two months and average monthly production thereafter, until a calendar year of data is available.~~

Tire Wholesaler—any wholesaler, supplier, distributor, jobber, or other entity who distributes tires to retail dealers in this state or to its own retail establishments in this state.

~~*Transporter*—a person or company that who transports waste tires.~~

Unauthorized Waste Tire Pile—a pile in excess of 50 or more 20 waste tires whose storage and/or disposal is not authorized by the administrative authority.

~~*Used Tire*—a tire that can be salvaged and retreaded or sold as a good, functional vehicle tire.~~

~~*Used Tire Dealer*—any person, business or firm that engages in the sale of used tires for use on motor vehicles.~~

Waste Tire—a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect.

Waste Tire Material—waste tires after processing; such as, but not limited to, chipped, shredded, cut, or sliced tires, crumb rubber, steel cord, fiberglass cord material, oil, or carbon black.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10507. Exemptions

~~A.~~ Any persons, facilities, or other entities subject to these regulations may petition the department for exemption from these regulations or certain portions thereof in accordance with LAC 33:VII.307.

~~B.~~ The persons, facilities, or facility operations listed below are exempt from the requirements of these regulations:

~~1.~~ The collection or transportation of tires from individual residences as part of a collection contract is exempted if the tires are not commingled with other solid waste and if said tires are delivered to an authorized processing facility.

~~2.~~ Vehicles that transport waste tires need not be authorized as a transporter if:

~~a.~~ the vehicle contains 20 or less waste tires; or

~~b.~~ the administrative authority determines that the person engaged in the transportation did not know such waste tires had been mixed or commingled with other solid

waste, or determines that it is not economically and environmentally feasible to remove and recover the tires; or

~~e. the vehicle originates outside the boundaries of Louisiana and is destined for a point also outside the boundaries of Louisiana, provided no tires are loaded or unloaded within the boundaries of Louisiana; or~~

~~d. the vehicle is operated by a local governmental body that is engaged in the collection of waste tires that are located on governmental property or on road right of ways and are to be taken to an authorized waste tire collection center or permitted processing facility. A maximum of one vehicle is allowed for each governmental body under this exemption. In order to be recognized as exempt under this Subsection, the local governmental body shall submit a transporter notification form to the administrative authority indicating its desire to take advantage of this exemption.~~

~~3. Tire dealers may petition the administrative authority for exemption to portions of LAC 33:VII.10535.C. Requests for exemption under this Section are designed to accommodate tire disposal agreements between dealers and national account disposal facilities on a case-by-case basis, such that the amount of the fee exempted should not exceed \$1.~~

~~4. Governmental agencies wishing to operate tire splitting equipment for the purposes of volume reduction prior to disposal will not be required to possess permits to process tire material, however, they will be required to meet all operational standards and must request prior authorization from the administrative authority before taking advantage of this exemption.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10509. Prohibitions and Mandatory Provisions

A. ~~After January 1, 1991, n~~ No person may knowingly or intentionally dispose of unprocessed waste tires in a landfill within the boundaries of Louisiana.

B. Upon promulgation of these regulations, no person may store more than ~~50~~ 20 whole waste tires unless they are: authorized by the administrative authority and:

1. collected and stored at a registered tire dealer, registered used tire dealer, or registered other generator of waste tires;

2. collected and stored at an authorized waste tire collection center or permitted waste tire processing facility; or

3. collected and stored at an authorized waste tire recycling facility.

C. ~~Upon promulgation of these regulations, n~~ No person may transport more than 20 waste tires without first obtaining a transporter authorization certificate, ~~unless exempted by LAC 33:VII.10507.~~

D. No person may receive payment from the Waste Tire Management Fund for processing tires without a standard permit issued by the department.

E. No regulated generator, collector, or processor may store any waste tire for longer than 365 days.

F. All persons subject to these regulations are subject to inspection and/or enforcement action by the administrative authority, in accordance with LAC 33:VII.10537.

G. All persons subject to these regulations shall maintain all records required to demonstrate compliance with these regulations for a minimum of three years. The department may extend the record retention period in the event of an investigation. The records shall be maintained at the regulated facility or site unless an alternate storage location is approved in writing by the administrative authority. All records shall be produced upon request for inspection by the department.

H. All persons who sell new tires shall retain and make available for inspection, audit, copying, and examination, a record of all tire transactions in sufficient detail to be of value in determining the correct amount of fee due from such persons. The records retained shall include all sales invoices, purchase orders, inventory records, and shipping records pertaining to any and all sales and purchases of tires. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A).

I. Each tire wholesaler shall maintain a record of all new tire sales made to dealers in this state. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A). These records shall contain and include the name and address of each tire purchaser and the number of tires sold to that purchaser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10511. Permit System

A. Permit Requirements

1. Scope. Persons, other than generators and government agencies, operating collection facilities or businesses that collect, process, and/or recycle waste tires and/or waste tire material and/or process waste tires or waste tire material for payment from the Waste Tire Management Fund must secure a permit and are subject to the requirements detailed in these regulations.

2. Types of Permits

a. Temporary Permits. A temporary permit allows continued operation of an existing collector, ~~processor, and/or recycler~~ processor, in accordance with an approved interim operational plan, but does not allow the expansion or modification of the facility without approval of the administrative authority. The administrative authority may issue a temporary permit in the following situations:

* * *

[See Prior Text in A.2.a.i]

ii. Order to Close – to allow operations to continue at an existing facility while a closure plan is being processed or while a facility is being closed in accordance with a closure plan.

~~iii. Temporary Permit to allow an applicant for a standard permit for a proposed facility to begin construction and/or operation on a limited basis while an application for the proposed facility is being processed for good cause shown.~~

* * *

[See Prior Text in A.2.b]

3. ~~General~~ Permit Provisions

* * *

[See Prior Text in A.3.a-b]

~~eB.~~ Modifications. Modification requests shall be tendered in accordance with LAC 33:VII.517. No modifications shall be made to the permit or facility without prior written approval from the administrative authority.

~~BC.~~ Suspension or Revocation of Permit. The administrative authority may review a permit at any time. After review of a permit, the administrative authority may, for cause, suspend or revoke a permit in whole or in part in accordance with procedures outlined in LAC 33:VII.

~~C. Permit Requirements for Waste Tire Transporters.~~ The administrative authority has determined that waste tire transporters do not require standard operating permits, but must meet the standards and responsibilities outlined in these regulations concerning transporter authorization certificates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities

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[See Prior Text in A-A.3]

B. Submittal of Permit Applications

1. Any applicant for a standard permit for an existing or proposed facility shall complete a waste tire standard permit application, and submit four copies to the ~~Solid Waste Division~~ department. Each individual copy of the application shall be a in standard three-ring-bound documents measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

* * *

[See Prior Text in B.2]

C. Requirements for Public Notification of Permit Application

1. As provided in R.S. 30:2022 and 30:2418, upon receipt of a permit application the ~~Solid Waste Division~~ department shall provide written notice on the subject matter ~~and a copy of the application~~ to the parish governing authority and each municipality affected by the application.

* * *

[See Prior Text in C.2]

3. The applicant shall cause the notice of the hearing to be published in the official journal of the parish or municipality on two separate days preceding the hearing. The last day of publication of such notice shall be at least 10 days prior to the hearing. The applicant shall provide the department with proof of publication.

~~4. The permit application submitted to the department shall be accompanied by a letter of compliance and certification of premises and buildings from the state fire marshal.~~

~~54.~~ The applicant shall post a notice of the hearing, in prominent view of the public, for at least two weeks prior to the hearing, in the courthouse, government center, and all the libraries of the parish.

~~65.~~ A public comment period of at least 30 days shall be allowed following the public hearing.

* * *

[See Prior Text in D-D.2]

E. Waste Tire Standard Permit Applications ~~Deemed Unacceptable or Deficient~~ Review

1. An application deemed unacceptable for technical review shall be rejected. ~~For the administrative authority to reconsider the application, the applicant must resubmit the entire waste tire standard permit application, including the application fee, by a reasonable due date set by the administrative authority.~~ Applications shall be subject to the completeness review requirements of LAC 33:I.1505.A.

~~2. An applicant whose application is acceptable for technical review but lacks the information outlined in these regulations shall be informed of such deficiencies. These deficiencies must be corrected by the submission of supplementary information by a reasonable due date set by the administrative authority.~~ Applications shall be subject to the technical review requirements of LAC 33:I.1505.B.

3. Closure plans that are determined to be unacceptable for a technical review shall be rejected. The applicant shall be required to resubmit the closure plan to the administrative authority.

4. An applicant whose closure plan is acceptable for technical review, but lacks the necessary information, shall be informed of such in a closure plan deficiency letter. These deficiencies shall be corrected by submission of supplementary information within 30 days after receipt of the closure plan deficiency letter. Closure plans that have been deemed technically complete shall be approved.

F. Standard Permit Applications Deemed Technically Complete

* * *

[See Prior Text in F.1-2]

3. After the six copies are submitted to the ~~Solid Waste Division~~ department, a notice shall be placed in the office bulletin (if one is available), the official journal of the state, and the official journal of the parish or municipality where the facility is located. The ~~Solid Waste Division~~ department shall publish a notice of acceptance for review one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of the official journal of the parish or municipality where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state shall be the only public notice required. The notice shall solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper shall be reviewed by the ~~Solid Waste Division~~ department. The notice shall be published in accordance with the sample public notice provided by the ~~Solid Waste Division~~ department. ~~The applicant is responsible for providing the Solid Waste Division with proof of publication.~~

4. A public hearing shall be held for any ~~facility proposed standard permit application~~ when the administrative authority determines, on the basis of comments received and other information, that a hearing is necessary.

5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice required in Subsection F.3 of this Section, request that ~~the administrative authority consider whether a public hearing be held is necessary.~~ If the administrative authority determines that the hearing is warranted ~~requests warrant it,~~ a public hearing shall be held scheduled. If the administrative authority determines not to hold the requested hearing ~~that the requests do not raise genuine and pertinent issues,~~ the ~~Solid Waste Division~~ department shall send the person requesting the hearing written notification of the determination. The request for a hearing must be in writing and must contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

* * *

[See Prior Text in F.6]

7. Receipt of Comments Following a Public Hearing. ~~Comments received by tThe Solid Waste Division~~ department shall receive comments for until the close of business 30 days after the date of a public hearing ~~shall be reviewed by the Solid Waste Division.~~

* * *

[See Prior Text in G-G.2]

H. Public Notice of Permit Issuance. No later than 10 days following the issuance of a standard permit, the permit holder shall publish a notice of the issuance of the standard permit. This notice shall be published in the official journal of the state and in the official journal of the parish or municipality where the facility is located. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public

notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state will be the only public notice required. The permit holder shall provide proof of publication of the notice(s) to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10515. Agreements with Waste Tire Processors

Standard Permitted waste tire processors may apply to the administrative authority for subsidized funding to assist them with waste tire processing and ~~disposal~~ marketing costs. This application form is available from the administrative authority.

A. Maximum Payments to Processors

~~1. Processors will be eligible to receive \$.85 per tire or tire equivalent unit of 20 pounds of waste tire material that is processed by the facility during monthly cycles.~~

12. Standard permitted Processors ~~will~~ shall be eligible to receive a minimum of \$ ~~.45~~ 1.50 per tire ~~or tire~~ equivalent unit of 20 pounds of waste tire material that is actually recycled or that reaches certifiable end-market uses provided.

a. Standard permitted processors shall provide documentation to prove that they are contracted with a qualified recycler. Proof shall be provided in the form of a letter or other document from the qualified recycler.

b. Standard permitted processors shall provide a certificate of end use demonstrating that the waste tire material has been recycled.

c. Standard permitted processors shall provide a Department of Agriculture certified scale-weight ticket including gross, tare and net weights.

2. Standard permitted processors shall be eligible to receive a minimum of \$1.50 per 20 pounds of whole waste tire that is marketed and shipped to a qualified recycler in accordance with LAC 33:VII.10535.D.4.

a. Standard permitted processors must apply and obtain approval from the department in order to market and ship whole waste tires. At this time they shall provide a detailed description of the operational plan to market and ship whole waste tires to a qualified recycler, including:

- i. shipping destination;
- ii. place of origin of the tires;
- iii. name of the qualified recycler;
- iv. method of recycling authorized or allowed under applicable state and federal laws;
- v. detailed description of product material or fuel source; and
- vi. a copy of an agreement with the qualified recycler who will accept whole waste tires for recycling.

b. The standard permitted processor shall ensure the qualified recycler accepts whole waste tires or baled waste tires from the processor in accordance with its agreement and Subsection A.2.a of this Section.

B. The standard permitted processor shall provide, with the monthly report required by LAC 33:VII.10535.D.6, a certificate of end use by the qualified recycler, demonstrating that it has recycled the waste tires or waste tire material.

C. The standard permitted processor shall comply with LAC 33:VII.10533.

D. The standard permitted processor shall provide all documentation to demonstrate that all the requirements of this Section have been met.

E. Once the application is approved, the department shall issue an agreement in accordance with Subsection A of this Section.

~~F.B.~~ General Conditions of Agreements. It shall be the responsibility of processors to make payments to authorized waste tire transporters who provide them with waste tires. This includes making payments to local governmental bodies acting as transporters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10517. Standard Waste Tire Permit Application Form

Each applicant requesting a standard permit ~~pursuant to~~ in accordance with these regulations shall complete the permit application ~~form~~, including, but not limited to, the ~~following~~ information included in this Section.

A. Processing Facility. The permit application shall include:

1. the name of the ~~business owner applicant;~~
2. the name and phone number of the ~~business or organization~~ owner/contact;

* * *

[See Prior Text in A.3]

4. the location of the processing/collection facility, including section, township, and range;

* * *

[See Prior Text in A.5-6]

7. ~~site master plan, including, when applicable, property lines, buildings, facilities, excavations, drainage, roads, and other elements of the process system employed;~~ the name, address, and phone number of a contact person in case of an emergency, other than the individual specified in Subsection A.2 of this Section;

8. ~~the name, address, and phone number of a contact person in case of an emergency, if different from the owner; certification.~~ The applicant must certify in writing that all the information provided in the application and in accordance with the application is true and correct. Providing false or incorrect information may result in criminal or civil enforcement. The applicant shall also provide the site master plan, including property lines, building, facilities,

excavations, drainage, roads, and other elements of the process system employed, certified by a registered engineer licensed in the state of Louisiana.

9. a copy of written notification to the appropriate local governing authority, stating that the site is to be used as a waste tire processing and/or collection facility;

* * *

[See Prior Text in A.10]

11. written documentation from the property owner granting approval for use of property as a waste tire processing and/or collection facility, if property owner is other than applicant;

12. proof of publication of notice of intent to submit an application for a ~~waste-tire processor~~ standard waste tire permit;

* * *

[See Prior Text in A.13-14.a]

b. waste tire acceptance plan, to ~~determine~~ count, record, and monitor incoming quantities of waste tires;

* * *

[See Prior Text in A.14.c-e.i]

ii. maximum number of waste tires and volume of waste tire material to be stored at any one time. The total amount of waste tires and volume of waste tire material shall not exceed 60 times the daily capacity of the processing unit;

* * *

[See Prior Text in A.14.e.iii-iv]

v. type of access roads and buffer zones; and

* * *

[See Prior Text in A.14.e.vi-15]

16. site closure plan to assure clean closure; The closure plan must be submitted as a separate section with each application. The closure plan for all facilities must ensure clean closure and must include the following:

- a. the method to be used and steps necessary for closing the facility;
- b. the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive;
- c. an estimate of the maximum inventory of whole waste tires and waste tire material on-site at any one time over the active life of the facility;
- d. a schedule for completing all activities necessary for closure; and
- e. the sequence of final closure as applicable;

* * *

[See Prior Text in A.17-21]

B. Waste Tire Collection Center. Waste tire processors or other persons may operate a waste tire collection center in accordance with LAC 33:VII.10527. ~~The following information must be provided for each waste tire collection center:~~ All information required in Subsection A of this Section must be provided in a permit application for each waste tire collection center.

- ~~1. the name of the business owner;~~
- ~~2. the name of the business or organization;~~
- ~~—3. the business address, including city, state, parish, and zip code;~~
- ~~—4. location of the collection center, including city, parish, section, township, and range;~~
- ~~—5. telephone number at the facility;~~
- ~~—6. the federal ID number and state tax identification number;~~
- ~~—7. the name, address, and phone number of a contact person in case of an emergency, if different from the owner;~~
- ~~—8. a copy of written notification to the appropriate local governing authority, stating that the site is to be used as a waste tire collection center;~~
- ~~—9. written documentation from the appropriate local governing authority, stating that the facility is in compliance with local zoning and permitting requirements;~~
- ~~—10. written documentation from the property owner granting approval for use of property as a waste tire collection center, if property owner is other than applicant;~~
- ~~—11. proof of publication of notice of intent to submit an application for a standard permit;~~
- ~~—12. a site master plan, including, when applicable, property lines, buildings, facilities, excavations, drainage, roads, and other elements of the process system employed;~~
- ~~13. a letter of compliance and certification of premises and buildings from the state fire marshal;~~
14. an operational plan addressing the following:
 - ~~a. facility access and security;~~
 - ~~b. waste tire acceptance plan, to determine, record, and monitor incoming quantities of waste tires;~~
 - ~~c. days and hours of operation;~~
 - ~~d. method to control water run-on/runoff;~~
 - ~~e. waste tire storage method:~~
 - ~~i. dimensions of waste tire piles;~~
 - ~~ii. maximum number of waste tires to be stored at any one time;~~
 - ~~iii. method of storage to exclude standing water, including inside storage;~~

- ~~iv. emergency control plans in case of fire or accident, etc.;~~
- ~~v. waste tire processing method if applicable; and~~
- ~~vi. site grounds maintenance and disease vector control to minimize vector-breeding areas and animal attraction;~~
- ~~15. evidence of general liability insurance in the amount of \$1 million provided by an insurer who is admitted, authorized, or eligible to conduct insurance business in Louisiana;~~
- ~~16. site closure plan to assure clean closure;~~
- ~~17. site closure financial assurance fund. Local governmental bodies may request an exemption to this requirement;~~
- ~~18. plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer licensed in the state of Louisiana;~~
- ~~19. certification. The applicant must provide and sign legal certification that all information provided in the application is true and correct with the knowledge of the possibility of punishment under the law for false information;~~
- ~~20. signature and date; and~~
- ~~21. name of authorized agent of process, if applicable.~~

C. Governmental Agencies. Government agencies intending to operate collection centers and/or tire processing equipment for the purposes of volume reduction prior to disposal will not be required to possess permits provided that:

1. the governmental agency collection centers shall be located on property owned or otherwise controlled by the governmental agency, unless otherwise authorized by the department;
2. governmental agency collection centers shall be attended during operational hours and have controlled ingress and egress during non-operational hours;
3. governmental agency collection center personnel shall witness all loading and unloading of waste tires;
4. governmental agency collection centers may accept waste tires from roadside pickup, from rights-of-way, individual residents, and unauthorized waste tire piles. For the tires from unauthorized waste tire piles to be eligible for the \$1.50 per 20 pounds marketing payment to permitted processors as indicated in LAC 33:VII.10535, the governmental agency must notify the department, in writing, of the agency's intent prior to removing the tires from said site;
5. governmental agencies shall develop fire control plans and disease vector control plans for the collection center and/or tire processing equipment; and
6. governmental agencies shall satisfy the requirements of LAC 33:VII.10509 and 10533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10519. Standards and Responsibilities of ~~Tire Dealers~~ Generators of Waste Tires

A. Within 30 days of commencement of business operations, ~~new tire dealers~~ generators of waste tires shall notify the department of their existence and obtain a ~~tire dealer generator~~ identification number prior to initiating a waste tire manifest. Notification shall be on a form provided by the department, ~~including, but not limited to:~~

- ~~1. name of contact person;~~
- ~~2. name of business;~~
- ~~3. mailing address, including city, state, zip code, and parish;~~
- ~~4. street address, including city, state, zip code, and parish;~~
- ~~5. business telephone number;~~
- ~~6. federal identification number and state tax identification number;~~
- ~~7. whether new or used tire dealer or other generator of waste tires; and~~
- ~~8. signature and date.~~

B. Tire dealers must accept one waste tire for every new tire sold from the purchaser of the new tire at the time of purchase, unless the purchaser ~~requests permission~~ elects to retain the waste tire. ~~New tire dealers shall not accept waste or used tires from any other generator other than the purchaser of a new tire.~~

C. Each tire dealer doing business in the state of Louisiana shall be responsible for the collection of the \$2 waste tire fee upon the sale of each new tire weighing 100 pounds or less and a fee of \$1.00 per 20 pounds for tires weighing more than 100 pounds. Tires weighing 100 pounds or less include all automobile, pickup, sport utility vehicle, front steer wheel tractor, farm implement service, golf cart, lawn mower, and all terrain vehicle (ATV) tires. Tires weighing more than 100 pounds and less than 500 pounds shall pay a fee based on Appendix C of this Chapter. The figures in Appendix C are based on a weighted average of each size, regardless of brand or type. No fee shall be collected on tires weighing more than 500 pounds or solid tires. "Tire dealers" includes any dealer selling new tires in Louisiana, where the tire is delivered into this state.

D. All tire dealers shall remit the ~~applicable portion of the \$2 waste tire fee, as specified in LAC 33:VII.10535.B and C,~~ to the department on a monthly basis, ~~as specified in LAC 33:VII.10535.B and C~~ on or before the twentieth day following the month covered. The fee shall be submitted along with the Monthly Waste Tire Fee Report Form obtained from the department. ~~Copies of each Monthly Waste Tire Fee Report Form shall be kept on file at each tire dealer's location where tires are sold and shall be retained for a period of three years. Every~~ tire dealer required to make a report and remit the fee imposed by this Section shall keep and preserve records as may be necessary to readily determine the amount of fee due. Each dealer shall maintain a complete record of the quantity of tires sold, together with tire sales invoices, purchase invoices, inventory records, and copies of each Monthly Waste Tire Fee Report for a period of no less than three years. These records shall be open for inspection by the administrative authority at all reasonable hours.

* * *

[See Prior Text in E-E.1]

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of \$2 per tire weighing 100 pounds or less and \$1 per 20 pounds for tires weighing more than 100 pounds, upon sale of each new tire. Tires weighing 100 pounds or less include all automobile, pickup, sport utility vehicle, front steer wheel tractor, farm implement service, golf cart, lawn mower, and all terrain vehicle (ATV) tires. Tires weighing more than 100 pounds and less than 500 pounds shall pay a fee based on Appendix C of this Chapter. The figures in Appendix C are based on a weighted average of each size, regardless of brand or type. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every new tire sold, unless the purchaser elects to retain the waste tire."

~~3. "This fee must be collected whether the purchaser retains the waste tires or leaves the waste tires with the dealer."~~

~~4. "Tire dealers must accept one waste tire for every new tire sold from the purchaser of the new tire at the time of purchase, unless the purchaser elects to retain the waste tire."~~

F. The waste tire fee established by R.S. 30:2418 shall be listed on a separate line of the retail sales invoice. No tax of any kind shall be applied to this fee.

~~G. No tire dealer shall remove or allow the removal~~ Generators of waste tires shall comply with the manifest requirements of LAC 33:VII.10533, from his property or business without initiating a waste tire manifest by completing Section 1 of the manifest and ensuring that Sections 2 and 3 of the manifest are completed by an authorized transporter. The tire dealer shall retain the tire dealer's copy of each manifest for a period of at least three years. It is the responsibility of the tire dealer to ensure that completed copies of their tire manifests are received within 30 days of the manifest origination date. Manifests initiated at each of the dealer's locations shall be kept in chronological order by shipment date at the originating location.

~~H. A manifest is not required in the case of a purchaser of a new tire who wishes to retain the waste tire.~~

~~II. Tire dealers must provide a cover adequate to exclude water from within the waste tires stored outdoors~~ For all waste tires and waste tire material collected and/or stored, provide for vector control; generators must provide:

1. a cover adequate to exclude water from the waste tires;
2. vector and vermin control; and
3. means to prevent or control standing water in the containment area.

I. Generators of waste tires may store waste tires up to 365 days after receipt or generation, provided:

1. the extended storage is solely for the purpose of accumulating such quantities as are necessary to facilitate proper processing; and
2. documentation supporting the storage period and the quantity required for proper processing are available at the generator's facility for department inspection.

J. All waste tires and waste tire material must be collected and/or stored on property contiguous to the tire dealership or other waste tire generator facility.

~~JK.~~ No tire-dealer generator shall allow the removal of waste tires from his place of business by anyone other than an authorized transporter, unless the generator generates less than 50 waste

tires per month from the sale of 50 new tires. In this case, the generator may transport his waste tires to an authorized collection or permitted processing facility provided LAC 33:VII.10523.C is satisfied. Sorting of waste tires from used tires can only take place at a permitted collection or processing facility.

~~—K. A tire dealer who generates less than 50 waste tires per month from the sale of 50 new tires may transport his waste tires to an authorized collection center or permitted processing facility. The tire dealer who qualifies under this provision need not obtain authorization to transport up to 50 tires per month to the collection center or waste tire processing facility, but manifests must be completed for the transportation.~~

~~L. A tire dealer who ceases the sale of new tires shall notify the administrative authority within 10 days of the date of the last new tire sale. A generator who ceases the sale of tires at the registered location shall notify the administrative authority within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the tire sale and monthly report records.~~

~~M. Generators of waste tires shall segregate the waste tires from any new or used tires offered for sale.~~

~~N. Governmental agencies are not required to comply with this Section, except Subsections A, G, I, and J of this Section.~~

~~O. All tire wholesalers shall keep a record of all tire sales made in Louisiana. These records shall contain the name and address of the purchaser, the date of the purchase, the number of tires purchased, and the type and size of each tire purchased. These records shall be kept for a period of three years and shall be available and subject to inspection by the administrative authority at all reasonable hours.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

~~§10521. Standards and Responsibilities of Used Tire Dealers and Other Generators of Waste Tires Repealed.~~

~~A. Within 30 days of promulgation of these rules and regulations, used tire dealers and other generators of waste tires shall notify the department of their existence and obtain an identification number prior to initiating a waste tire manifest. Notification shall be on a form provided by the department, including, but not limited to:~~

- ~~1. name of business owner and a contact person;~~
- ~~2. name of business;~~
- ~~3. mailing address, including city, state, zip code, and parish;~~
- ~~4. street address, including city, state, zip code, and parish;~~
- ~~5. business telephone number;~~
- ~~6. federal identification number and state tax identification number;~~
- ~~7. whether new or used tire dealer or other generator of waste tires;~~

~~8. signature and date; and~~

~~9. name of authorized agent of process, if applicable.~~

~~B. Used tire dealers and other generators of waste tires shall not collect and/or store, at their place of business, more than 150 waste tires at one time.~~

~~C. Waste tires stored at a used tire dealership shall be segregated from any used tires offered for sale.~~

~~D. Used tires offered for sale at a used tire dealership shall be classified, marked, and separated by rim size, otherwise all tires on the site will be considered to be waste tires.~~

~~E. All used and waste tires must be stored in such a manner as to eliminate rainwater collection.~~

~~F. No used tire dealer shall remove or allow the removal of any waste tires from his property or business without initiating a waste tire manifest by completing Section 1 of the manifest and ensuring that Sections 2 and 3 of the manifest are completed by an authorized transporter. The used tire dealer shall retain the tire dealer's copy of each manifest for a period of at least three years.~~

~~G. A used tire dealer who ceases the sale of used tires shall notify the administrative authority within 10 days of the date of the last tire sale.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10523. Standards and Responsibilities of Waste Tire Transporters

~~A. Upon promulgation of these regulations, no person shall transport more than 20 waste tires in the state of Louisiana without obtaining a transporter authorization certificate from the administrative authority, unless exempted by LAC 33:VII.10507 or 10519.K.~~

~~BA. Transporters of waste tires shall complete a the application for transporter authorization application form and submit the application, with the payment of the transporter fees as specified in LAC 33:VII.10535.A, to the administrative authority.~~

~~C. The appropriate transporter application and maintenance and monitoring fees must be submitted with the application in accordance with LAC 33:VII.10535.A.~~

~~D. Upon review and approval of the transporter authorization application form, the administrative authority shall issue a transporter authorization certificate.~~

~~EB. A transporter authorization certificate shall be valid for a maximum of one year from the date of issuance. All transporter authorization certificates expire on June 30 August 31 of each calendar year. The administrative authority shall issue to the transporter an appropriate number of transporter decals to be placed in accordance with Subsection ~~P~~ F of this Section.~~

~~F. Each applicant requesting a transporter authorization certificate pursuant to these regulations shall complete the transporter authorization application form, including, but not limited to, the following information:~~

~~1. the name of the business owner;~~

~~2. the name of the business or organization;~~

- ~~3. the business location address, including street, city, state, parish and zip code;~~
- ~~4. the complete mailing address;~~
- ~~5. the business telephone number;~~
- ~~6. the name, business address, and telephone number of the contact person associated with the applicant;~~
- ~~7. the federal identification number of the business or organization and the state tax identification number;~~
- ~~8. a description of each vehicle, truck, and/or trailer that will be used by the applicant for the transport of waste tires including the make, model, year, license number, and name of registered owner if different from that of the applicant;~~
- ~~9. a signed legal certification that all information provided in the application is true and correct with the knowledge of the possibility of punishment under R.S. 30:2025.F.(2) for providing the department with false information;~~
- ~~10. proof of current liability insurance for each vehicle that will be utilized for the transport of waste tires; and~~
- ~~11. the signature of the applicant and the date.—~~

~~G. Upon promulgation of these regulations, no transporter shall receive waste tires without Sections 1, 2, and 3 of the waste tire manifest being properly completed at the point of origin.~~

C. No person shall transport more than 20 waste tires without a completed manifest satisfying the requirements of LAC 33:VII.10533.

~~H. For in-state waste tire transportation, the transporter shall transport all waste tires to an authorized collection center or a permitted processing facility.~~

~~I. No transporter shall deliver tires to a collection center or processing facility without also delivering to the operator of the facility the facility's copy of the manifest. The transporter shall retain the transporter's copy of the completed manifest.~~

~~J. The transporter shall retain the transporter's copy of the manifest for a period of three years. Transporters shall make these records available, in chronological order by shipment origination date, to the administrative authority upon request.~~

~~K. A transporter shall not transport waste tires without having at all times, in the vehicle transporting such tires, a copy of the manifest for those tires.~~

~~L. Sorting of waste tires from used tires can only take place at a permitted collection or processing facility.~~

~~M. Any person who engages in the transportation of waste tires from Louisiana to other states or countries or from other states to Louisiana, or persons who collect or transport waste tires in Louisiana, but have their place of business in another state, shall comply with all of the requirements for transporters contained in this Section.~~

~~N. The type and size of transporters' vehicles shall comply with the regulations and licensing of the Department of Transportation and Development and with applicable local ordinances governing weight and size for the streets that must be traveled.~~

~~O. All transporters are subject to inspection and/or enforcement action by the administrative authority, pursuant to LAC 33:VII.10537.~~

~~PF.~~ The transporter shall affix to the driver's door, along with the transporter decal, and the passenger's door of each truck or tractor listed on the notification form, the authorization certificate number in characters no less than three inches in height.

~~QG. Transporters are responsible for notifying~~ All persons subject to this Section shall notify the administrative authority in writing within 10 days when any information on the authorization certificate form changes they add or remove vehicles in their fleet, or if they close their business and cease transporting waste tires.

~~R. Transporters shall not remove waste tires from an unauthorized waste tire pile without prior approval of the administrative authority.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10525. Standards and Responsibilities of Waste Tire Processors

~~A. Processors will be responsible for signing the waste tire manifests. The processing facility shall maintain a log for all unmanifested loads of 20 or less waste tires. The completed manifests and a copy of the log shall be submitted to the department no later than the fifth of the month following the month in which the tires are received by the processing facility. The processing facility shall retain a copy of the manifests and the log at the processing facility for at least three years. Upon receiving a shipment containing waste tires, the processor shall be responsible to verify the number of waste tires in each shipment by actually counting each waste tire. The processor shall sign each waste tire manifest upon receiving waste tires.~~

* * *

[See Prior Text in B-C]

~~D. All processing waste tire~~ facilities must meet the following standards:

1. ~~All processors facilities must have controlled access~~ shall control ingress and egress to the site through the use of fences, gates, or other a means approved by the administrative authority, with at least one entrance gate being a minimum of 20 feet wide.

2. All facilities shall have a buffer zone of 100 feet, ~~with no trees in the zone, and the only activity or structure allowed thereon being access roads.~~ Waste tires and waste tire material shall not be placed in the buffer zone.

3. Fire Protection

a. There shall be no open burning ~~allowed on the site.~~

b. The facility operator shall enter into a written agreement with the local fire department regarding fire protection at the facility.

c. The facility operator shall develop and implement a fire protection and safety plan for the facility to ensure personnel protection and minimize impact to the environment.

~~4. All waste tires entering facilities must be accompanied by waste tire manifests on which Sections 1, 2, and 3 have been completed, except for unmanifested loads of 20 or less waste tires which must be entered in the daily log.~~

~~54. Suitable drainage structures or features shall be provided to divert the flow of rainfall run-on and runoff from the site prevent or control standing water in the waste tires, waste tire material, and associated storage areas.~~

~~6. At no time shall whole tires or waste tire material be allowed to remain in standing water.~~

~~75. All water discharges, including stormwater runoff, from the site shall be in accordance with applicable state and federal rules and regulations.~~

~~8. Waste tires or waste tire material may be stored outside or inside or a combination of both.~~

~~96. Monofills as a means of temporary storage of waste tire material shall be allowed if those facilities receive the prior approval of the administrative authority. The administrative authority shall establish site specific standards for such monofills. All waste tire processors, collectors, and associated solid waste management units shall comply with LAC 33:VII.Subpart 1.~~

~~10. Waste tires or waste tire material stored shall meet applicable state and local fire codes, utilizing National Fire Protection Association Standards as a guide for tire storage.~~

~~117. Waste tires and or waste tire material stored inside or outside shall be treated according to an acceptable and effective disease vector control plan approved by the administrative authority.~~

~~12. Waste tires or waste tire material may be stored in trailers provided the sides of the trailers adequately contain the tires and the tops of the trailers are covered to exclude rainwater.~~

~~138. Waste tires or and waste tire material stored outside shall be maintained in piles, the dimensions of which shall not exceed 10 feet in height, 20 feet in width, and 200 feet in length or in such dimensions as approved by the administrative authority.~~

~~149. Waste tire or waste tire material piles shall be separated by lanes with a minimum width of 50 feet to allow access by emergency vehicles and equipment.~~

~~1510. Access lanes to and within the facility must shall be all-weather roads free of potholes and ruts and be designed to prevent erosion.~~

~~16. All facilities shall provide for on-site fire control. Arrangements must be made for site fire protection through immediate notification of local fire protection authorities, and documentation of these arrangements must be included in the operational plan.~~

~~1711. The storage limit for whole waste tires and waste tire material shall be no more than two 60 times the monthly daily permitted processing capacity of the processing facility. The storage limit for waste tire material shall be no more than six times the monthly processing capacity of the processing facility.~~

~~18. All facilities shall provide a method to control and/or treat process water.~~

~~19. Surface impoundments, if any, must meet all regulations and standards in LAC 33:VII.713.~~

~~20. Processing facilities may set a fee and charge for processing waste tires that were generated under the waste tire regulations in effect from January 20, 1992, until the effective date of the implementation of these regulations, or for waste tires that are manifested from unauthorized tire piles.~~

~~21. Shipments of whole waste tires from the processor to a recycling facility shall be accompanied by a waste tire manifest on which Sections 1, 2, and 3 have been completed.~~

~~22. All processing facilities shall obtain all necessary local, state, and federal permits.~~

~~23. A closure plan must be submitted as a separate section with each application. The closure plan for all facilities must ensure clean closure and must include the following:~~

~~a. the method to be used and steps necessary for closing the facility;~~

~~b. the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive;~~

~~c. an estimate of the maximum inventory of whole waste tires and waste tire material on-site at any one time over the active life of the facility;~~

~~d. a schedule for completing all activities necessary for closure; and~~

~~e. the sequence of final closure as applicable.~~

~~24. Closure plans that are determined unacceptable for a technical review shall be rejected. The applicant will be required to resubmit the closure plan to the administrative authority.~~

~~25. An applicant whose closure plan is acceptable for technical review but lacks the necessary information shall be informed of such in a closure plan deficiency letter. These deficiencies must be corrected by submission of supplementary information within 30 days after receipt of the closure plan deficiency letter. Closure plans that have been deemed technically complete shall be approved.~~

~~26~~12. All ~~processing facilities~~ waste tire facility operators shall maintain a site closure financial assurance fund in an amount based on the maximum number of pounds of waste tire material that will be stored at the processing facility site at any one time. This fund shall be in the form of a financial guarantee bond, performance bond, or an irrevocable letter of credit in the amount of \$20 per ton of waste tire material on the site. A standby trust fund shall be maintained for the financial assurance mechanism that is chosen by the facility. The financial guarantee bond, performance bond, irrevocable letter of credit, or standby trust fund must use the exact language included in the documents in Appendix A. The financial assurance must be reviewed at least annually.

~~27~~13. An alternative method of determining the amount required for financial assurance shall be as follows:

a. the ~~processor~~ waste tire facility operator shall submit an estimate of the maximum total amount by weight of waste tire material that will be stored at the processing facility at any one time;

b. the ~~processor~~ waste tire facility operator shall also submit two independent, third-party estimates of the total cost of cleaning up and closing the facility, including the cost of

loading the waste tire material, transportation to a permitted disposal site, and the disposal cost; and

c. if the estimates provided are lower than the required \$20 per ton of waste tire material, the administrative authority shall evaluate the estimates submitted and determine the amount of financial assurance that the processor is required to provide.

~~2814.~~ Financial assurances for closure and post closure activities, ~~and corporate guarantees~~ must be in conformity with the standards contained in LAC 33:VII.727.A.2.i.

E. Mobile Processors

~~1. Operators of mobile processing units shall complete a mobile processor authorization application and submit the application to the administrative authority. Only standard permitted processors shall be eligible to apply for mobile processor authorization certificates. Any mobile processor certificate that expires after the effective date of these regulations shall not be renewed for a period extending beyond 365 days after the effective date of these regulations.~~

* * *

[See Prior Text in E.2-6]

~~7. The type and size of mobile processing vehicles shall comply with the regulations and licensing of the Department of Transportation and Development and with applicable local ordinances governing weight and size for the streets that must be traveled.~~

~~8. All mobile processors are subject to inspection and/or enforcement action by the administrative authority, pursuant to LAC 33:VII.10537.~~

~~9. The mobile processor shall affix to the driver's door and the passenger's door of each truck listed on the notification form, the authorization certificate number in characters no less than three inches in height. If the vehicle used to process tires is a truck and trailer rig, the authorization number shall be affixed to the left front side of each trailer as well.~~

~~107. Mobile processors are responsible for notifying the administrative authority in writing within 10 days when they add or remove vehicles in their fleet, any information on the notification changes or if they close their business and cease processing waste tires with a mobile unit.~~

~~F. Governmental agencies may operate tire splitting equipment for the purposes of volume reduction prior to disposal without a permit to process waste tires, provided they meet the requirements outlined in LAC 33:VII.10517.C and request authorization from the administrative authority before initiating any processing.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10527. Standards and Responsibilities for Waste Tire Collectors and Collection Centers

~~A. All collection centers must have controlled access to the site through the use of fences, gates, or other means approved by the administrative authority. All collection center operators shall satisfy the manifest requirements of LAC 33:VII.10533. All collection center operators shall be responsible for counting the tires in the shipment. The collection center shall maintain a log for all unmanifested loads of 20 or fewer waste tires.~~

~~B. All waste tires entering collection centers must be accompanied by waste tire manifests on which Sections 1, 2, and 3 have been completed, except for unmanifested loads of 20 or less waste tires which must be entered in the daily log. All collection center operators shall meet the standards in LAC 33:VII.10525.D.1-10 and 12-14.~~

~~C. All collection centers shall have a buffer zone of 100 feet, with the only activity or structure allowed being access roads.~~

~~D. Suitable drainage structures or features shall be provided to divert the flow of rainfall runoff and runoff from the site.~~

~~E. At no time shall whole tires be allowed to remain in standing water.~~

~~F. All water discharges from the site shall be in accordance with applicable state and federal rules and regulations.~~

~~G. Waste tires may be stored outside or inside or a combination of both.~~

~~H. Waste tires stored inside shall meet applicable state and local fire codes, utilizing National Fire Protection Association Standards as a guide.~~

~~I. Waste tires stored inside or outside shall be treated according to an acceptable and effective disease vector control plan approved by the administrative authority.~~

~~J. Waste tires may be stored in trailers provided the sides of the trailers adequately contain the tires and the tops of the trailers are covered to exclude rainwater.~~

~~K~~C. The storage limit for a collection center shall be 3000 whole waste tires or 60 times the daily permitted processing capacity, whichever is greater.

~~L~~D. Use of mobile processing units are allowed at collection centers only when processed waste tire material is immediately deposited in a trailer or other suitable container for immediate removal from the site.

~~M~~E. No processed waste tire material shall be deposited on the ground at a collection center at any time.

~~N. Access lanes to and within the collection center must be all-weather roads.~~

~~O. All collection centers shall provide for on-site fire control. Arrangements must also be made for site fire protection through immediate notification of local fire protection authorities, and documentation of these arrangements must be included in the operational plan.~~

~~P~~F. All collection centers shall provide a method to control and/or treat process water if applicable.

~~Q. All unmanifested loads of 20 or less waste tires must be recorded on a log containing the time and date of each unmanifested delivery and the name, address, and phone number of the person who deposited the unmanifested tires.~~

~~R. Each shipment of waste tires or processed waste tire material transported from a collection center to the processing facility must be accompanied by a waste tire manifest on which Sections 1, 2, and 3 have been completed.~~

~~S. Collection centers shall obtain all necessary local, state, and federal permits.~~

~~T~~G. The closure plan for all collection centers must ensure clean closure and must include the following:

1. the method to be used and steps necessary for closing the center;
2. the estimated cost of closure of the center, based on the cost of hiring a third party to close the center at the point in the center's operating life when the extent and manner of its operation would make closure the most expensive;
3. an estimate of the maximum inventory of whole waste tires ever on-site over the active life of the center;
4. a schedule for completing all activities necessary for closure; and
5. the sequence of final closure as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10529. Standards and Responsibilities of Property Owners

A. Owners of property on which ~~promiscuous or~~ unauthorized waste tire piles are located ~~are responsible for cleanup of~~ shall remediate the site or reimburse the department for the cost of remediation, except as provided by R.S. 30:2156.

B. Owners of property on which ~~promiscuous or~~ unauthorized waste tire piles are located ~~are responsible for providing~~ shall provide disease vector control measures adequate to protect the safety and health of the public, and shall keep the site free of excess grass, underbrush, and other harborage.

C. Owners of property on which ~~promiscuous or~~ unauthorized waste tire piles are located ~~must~~ shall limit access to the piles to prevent further disposal of tires or other waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10531. Standards And Responsibilities of Qualified Recyclers

* * *

[See Prior Text in A-A.9]

~~B. All waste tire recycling facilities~~ recycling waste tires and/or waste tire material in Louisiana must have controlled access to the site through the use of fences, gates, or other means approved by the administrative authority shall meet the requirements of LAC 33:VII.10525.D.

~~C. Suitable drainage structures or features shall be provided to divert the flow of rainfall run-on and runoff from areas where waste tire material is stored.~~

~~D. At no time shall waste tire material be allowed to remain in standing water.~~

~~E. All water discharges from the waste tire material storage areas shall be in accordance with applicable state and federal rules and regulations.~~

- ~~F. Waste tire material may be stored outside or inside or a combination of both.~~
- ~~G. Waste tire material stored inside shall meet applicable state and local fire codes.~~
- ~~H. Waste tire material stored inside or outside shall be treated according to an acceptable and effective disease vector control plan approved by the administrative authority.~~
- ~~I. Waste tire material may be stored in trailers provided the sides of the trailers contain the tires and the trailers are covered to exclude rainwater.~~
- ~~J. Waste tire material stored outside shall be maintained in piles, the dimensions of which shall not exceed 10 feet in height, 20 feet in width, and 200 feet in length, or as approved by the administrative authority.~~
- ~~K. Waste tire material piles shall be separated by lanes with a minimum width of 50 feet to allow access by emergency vehicles and equipment.~~
- ~~L. Access lanes to and within the waste tire material storage areas must be all-weather roads.~~
- ~~M. All facilities shall provide for on-site fire control, and arrangements must be made for site fire protection through immediate notification of local fire protection authorities.~~
- ~~N.~~ The storage limit for waste tire material shall be no more than 180 times the daily recycling capacity of the recycling facility. The facility must maintain records to document its compliance with this provision.
- ~~O. All recycling facilities shall obtain all necessary local, state, and federal permits.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10533. Manifest System

- A. The manifest must contain all of the following information: All shipments of 20 or more waste tires shall be accompanied by a waste tire manifest provided by the department and executed in accordance with this Section.
 - ~~1. tire dealer or other generator's name, mailing address, telephone number, and identification number;~~
 - ~~2. transporter name, mailing address, telephone number, and identification number;~~
 - ~~3. the designated facility's name, mailing address, telephone number, and identification number; and~~
 - ~~4. the number and description of the waste tires and/or the weight by pounds of waste tire material.~~
- B. ~~The following certification must appear on the manifest: "I (we) have personally examined and am familiar with the information submitted in this document, and I (we) hereby certify under penalty of law that this information is true, accurate, and complete to the best of my (our) knowledge. I (we) am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."~~

~~C. The manifest shall be a five part form to be signed by all parties, with designated copies for each tire dealer, transporter, collection center, processing facility, as well as the administrative authority.~~

~~D. Manifests may be obtained from the administrative authority.~~

~~E.~~ B. The manifest document flow is as follows:

1. ~~The generator initiates the manifest (original and at least four five copies), completing all of Section 1 and designating the destination facility in Section 3. After the transporter signs the manifest, the generator retains one copy for his files, and the original and all other copies accompany the waste tire shipment. Upon receipt of the waste tires, the transporter completes the Section 2, Transporter 1 information. If applicable, upon surrender of the shipment to a second transporter, the second transporter completes the Section 2, Transporter 2 information. After Transporter 2 signs the manifest, Transporter 1 retains his copy of the manifest;:-~~

2. ~~The transporter secures signature of the waste tire designated destination facility operator upon delivery of waste tires and/or waste tire material; to the designated destination facility. The transporter retains one copy for his files; and gives the original and two remaining copies to the waste tire designated destination facility operator;:-~~

3. ~~The waste tire designated processing facility operator fills out his portion completes Section 3 of the manifest; and retains a copy for his files; prepares the original for submission to the department. The designated processing facility operator shall submit the original manifest to the department with the monthly processor report. and The designated processing facility shall send all remaining copies to the generator no later than seven days after delivery;:-~~

4. ~~Waste tire facility operators should ensure that completed copies of waste tire manifests are received by the generator within 30 days of the origination date of the manifest. a generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated destination facility within 30 days of the date the waste tires and/or waste tire material was accepted by the initial transporter must contact the transporter and/or the owner or the operator of the designated destination facility to determine the status of the shipment;:- and~~

5. ~~a generator must submit to the department written notification, if he has not received a copy of the manifest with the handwritten signature of the designated destination facility operator within 45 days of the date the shipment was accepted by the transporter. The notification shall include:~~

a. ~~a legible copy of the manifest for which the generator does not have confirmation of delivery; and~~

b. ~~a cover letter signed by the generator explaining the efforts taken to locate the shipment and the results of those efforts.~~

~~C. Upon discovering a discrepancy in the number or type of tires in the load, the designated destination facility must attempt to reconcile the discrepancy with the generator(s) or transporter(s). The destination facility operator must submit to the administrative authority, within five working days, a letter describing the discrepancy and attempts to reconcile it and a copy of the manifest(s). After the discrepancy is resolved a corrected copy is to be sent to the administrative authority.~~

~~F. Completed manifests shall be maintained by all parties for a minimum of three years and shall be made available for audit at the place of business during regular business hours.~~

~~G. Tires being transported to a tire retreading facility are considered used tires and have to be manifested. They must be accompanied by an invoice used in the normal course of business.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10535. Fees and Fund Disbursement

A. Permit and Application Fees. Each applicant shall submit a non-refundable application fee in the amount specified, according to the categories listed below. The appropriate fee must accompany the permit application or ~~transporter~~ authorization application form.

* * *

[See Prior Text in A.1-4]

5. Permit modification fee - ~~\$700~~ 100.

[See Prior Text in A.6-8]

* * *

B. Waste Tire Fee upon Promulgation of These Regulations. A waste tire fee is hereby imposed on each new tire sold in Louisiana, to be collected by the tire dealer from the purchaser at the time of retail sale ~~from the end user~~. The fee shall be \$2 per tire weighing 100 pounds or less and \$1 per 20 pounds for tires weighing more than 100 pounds. Tires weighing 100 pounds or less include all automobile, pickup, sport utility vehicle, front steer wheel tractor, farm implement service, golf cart, lawn mower, and all terrain vehicle (ATV) tires. Tires weighing more than 100 pounds and less than 500 pounds shall pay a fee based on Appendix C of this Chapter. The figures in Appendix C are based on a weighted average of each size, regardless of brand or type. No fee shall be collected on tires weighing more than 500 pounds or solid tires. Upon promulgation of these regulations and until December 31, 1994, the disposition of the fee shall be as follows:

~~1. one dollar of the fee shall be retained by the tire dealer to cover the costs of collection, transportation, processing, and disposition of waste tires;~~

~~2. the remaining one dollar shall be forwarded to the administrative authority by the tire dealer and shall be deposited in the Waste Tire Management Fund. The money shall be designated for the administration of these waste tire recycling regulations and for the cleanup of promiscuous waste tire piles.~~

C. ~~Waste Tire Fee at Full Implementation of These Regulations. Effective January 1, 1995,~~
the disposition of the fee shall be as follows:

1. the entire \$2 waste tire fee shall be forwarded to the administrative authority by the tire dealer and shall be deposited in the Waste Tire Management Fund.

2. the \$2 waste tire fee shall be designated as follows: a minimum of \$1.50 per twenty pound equivalent will be utilized to pay waste tire processors that are working under agreement with the administrative authority for the processing of currently generated waste tires marketed in accordance with D.4 of this Section, a maximum of \$.20 10 percent of the waste tire fees collected may will be utilized for program administration, \$.10 5 percent of the waste tire fees

collected may be used for research and market development, and a ~~minimum of \$.70~~ 10 percent of the waste tire fees collected may ~~shall be used for promiscuous unauthorized~~ tire pile cleanup.

D. Payments for Processing and Marketing Waste Tires and Waste Tire Material. Payments made by the state of Louisiana are meant to temporarily supplement the business activities of processors and are not meant to cover all business expenses and costs associated with processing and marketing. Payments shall only be paid to standard permitted processors under written agreement with the department in accordance with LAC 33:VII.10515.

* * *

[See Prior Text in D.1-2]

3. No payments shall be made for marketing used tires or for tires destined to be retreaded.

4. ~~Payments for processing waste tires by shredding are:~~

~~a. the payment for processing waste tires by shredding shall be \$.85 per 20 pounds of waste tire shreds four inches by four inches or smaller in size. Approval may be requested from the administrative authority to allow for shred sizes larger than four inches by four inches if the processor has a contract with an established market that uses shreds of that size. The administrative authority shall grant its approval on a case-by-case basis;~~

~~b. the payment for processing waste tires shall be paid only one time for each tire. If secondary processing occurs after the payments are made but before the waste tire material is marketed, the payment for processing shall not be paid again; and~~

~~c. The payment for marketing or recycling of shredded waste tire material shall be a minimum of \$.15~~ 1.50 ~~per 20 pounds of waste tire material that is recycled by a qualified recycler. The processor shall demonstrate that the waste tire material has been recycled, and shall only be paid when a processor shows proof that he has marketed waste tire material to a qualified recycler as a raw material, product, or fuel source. The determination that waste tire material is being marketed to a qualified recycler shall be made by the administrative authority; this determination may be reviewed at any time.~~

5. ~~Payments for processing waste tires are:~~

~~a. the payment for processing waste tires by means other than shredding shall be \$.85 per 20 pounds of waste tire material going into the process; and~~

~~b. The payment for marketing waste tire material produced by means other than shredding shall be determined on a case-by-case basis, but in no case shall it exceed the equivalent of be a minimum of \$.15~~ 1.50 ~~per 20 pounds of processed waste tire material.~~

6. ~~Both the processing and~~ The marketing payments shall be made to the processor for whole waste tires or baled waste tires that are marketed and shipped to a qualified recycler by the processor.

7. Payments shall be made to the processor on a monthly basis, after properly completed monthly reports are submitted by the processor to the department. Reporting forms will be provided by the administrative authority.

8. ~~Based on availability of monies in the Waste Tire Management Fund,~~ The amount of payments made to each processor is based on the availability of monies in the Waste Tire Management Fund ~~may be less than the processing capacity of that facility.~~

9. All, or a portion, of a processor's payments may be retained by the administrative authority if the administrative authority has evidence that the processor is not fulfilling the terms of his agreement and/or his standard permit.

~~10. After January 1, 1998, no payments shall be made for only processing waste tires.~~

~~11. After January 1, 1998, a payment of \$1 per 20 pounds of shredded waste tire material or an equivalent amount for waste tire material produced by other processes shall be made when it is documented to the administrative authority that this material has been marketed, and delivered, for beneficial use.~~

~~12~~10. Waste tire material that was produced prior to January 1, 1998, and for which processing payments were made are only eligible for the additional \$.15 incentive for marketing the waste tire material when the material is marketed after December 31, 1997.

~~13. If waste tire material for which payments were made prior to April 1, 1998, are stockpiled and disposed of after April 1, 1998, at a permitted solid waste facility by a processor, the Waste Tire Management Fund shall not make further payments to the processor for disposal of the material.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10536. Cleanup Remediation of Promiscuous/Unauthorized Tire Piles

A. Upon promulgation of these regulations, the administrative authority may issue agreements for cleanup remediation of promiscuous/unauthorized waste tire piles. The number of agreements issued each year shall be determined based on the availability of funds in the Waste Tire Management Fund that are designated for promiscuous/unauthorized waste tire pile cleanup remediation. Any such agreements ~~will~~ shall designate specific eligible sites and the department ~~will~~ shall monitor the cleanup remediation activities, which shall be made in accordance with the standards and responsibilities outlined in the Solid Waste Regulations, LAC 33:VII. Any such agreements shall stipulate a maximum amount of total allowable costs that shall be paid from the Waste Tire Management Fund. These monies shall not be applied to indirect costs and other unallowable costs, which include but are not limited to, administrative costs, consulting fees, ~~or~~ legal fees, or premiums for performance bonds. Furthermore, they shall not be applied to reclamation efforts or cleanup remediation costs associated with other types of contaminants, which may be detected during the remediation process. Rather, these funds shall be applied to direct costs such as labor, transportation, processing, recycling, and disposal costs of the waste tires.

B. In order to apply for and receive funding for promiscuous/unauthorized waste tire site cleanup remediation, local governments must provide the administrative authority with promiscuous/unauthorized waste tire site information. This information includes, but is not limited to, accurate site location, number of tires on site, visual report on site with photographs and proximity to residences, schools, hospitals and/or nursing homes, and major highways. Such information ~~will~~ shall be submitted using forms available from the administrative authority.

C. ~~Promiscuous/Unauthorized~~ waste tire piles shall be chosen for ~~cleanup~~ remediation based on their placement on the waste tire priority ~~cleanup~~ remediation list. Point values ~~will~~ shall be assigned in accordance with the Waste Tire Management Fund Prioritization System located in Appendix B of this Chapter. These ranking criteria were developed in consideration of threat to human health, threat of damage to surrounding property, and adverse impact on the environment.

* * *

[See Prior Text in D-G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

§10537. Enforcement

* * *

[See Prior Text in A]

B. Investigations and Audits: Purposes, Notice. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the identity of the persons or parties involved. Upon written request, the results of an investigation shall be given to any complainant who provided the information prompting the investigation and, if advisable, to any person under investigation, if the identity of such person is known. In cases where persons selling new tires have failed to report and remit the waste tire fee to the administrative authority, and the person's records are inadequate to determine the proper amount of fee due, or in cases(s) where a grossly incorrect report or a report that is false or fraudulent has been filed, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the audited entity.

* * *

[See Prior Text in C-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR26.

Appendix A

Louisiana Department of Environmental Quality
Financial Assurance Documents For Waste Tire Facilities

(August 4, 1994)

The following documents are to be used to demonstrate financial responsibility for the closure of waste tire facilities. The wording of the documents shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SAMPLE DOCUMENT 1:

WASTE TIRE FACILITY FINANCIAL GUARANTEE BOND

Date bond was executed: [Date bond executed]

Effective date: [Effective date of bond]

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety: [name and business address]

[site identification number, site name, facility name, and current closure amount for each facility guaranteed by this bond]

Total penal sum of bond: \$

Surety's bond number:

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality Waste Tire Management Fund in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the waste tire facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure care, as a condition of the permit;

NOW THEREFORE, if the Principal shall provide alternate financial assurance as specified in LAC 33:VII.10525.D.12-14 and obtain written approval from the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform closure in accordance with the closure plan and permit requirements as guaranteed by this bond, the Surety shall place funds in the amount

guaranteed for the facility into the Waste Tire Management Fund ~~fund~~ as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in the Louisiana Department of Environmental Quality's ~~Financial Assurance Documents~~ Waste Tire Regulations, LAC 33:VII.Chapter 105. Appendix A dated August 4, 1994, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

CORPORATE SURETIES

[Name and Address]

State of incorporation:

Liability limit:

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[This information must be provided for each cosurety]

Bond Premium: \$

SAMPLE DOCUMENT 2:

WASTE TIRE FACILITY PERFORMANCE BOND

Date bond was executed: [date bond executed]

Effective date: [effective date of bond]

Principal: [legal name and business address of permit holder or applicant]

Type of organization : [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety: [name(s) and business address(es)]

[Site identification number, site name, facility name, facility address, and closure amount(s) for each facility guaranteed by this bond]

Total penal sum of bond: \$

Surety's bond number:

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality, Waste Tire Management Fund, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the waste tire facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure care, as a condition of the permit;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in LAC 33.VII.10525.D.26-28 ~~12-14~~ and obtain written approval of the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of the Louisiana Administrative Code, Title 33, Part VII, or of its permit, for the facility for which this bond guarantees performances of closure, the Surety shall either perform closure, in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance as specified in LAC 33.VII.10525.D.26-28 12-14 and obtain written approval of such assurance from the administrative authority during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the surety shall place funds in the amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified by the Louisiana Department of Environmental Quality's Financial Assurance Documents Waste Tire Regulations, LAC 33:VII.Chapter 105.Appendix A dated August 4, 1993~~4~~, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

CORPORATE SURETY

[Name and Address]

State of incorporation:

Liability limit:

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond Premium: \$

SAMPLE DOCUMENT 3:

WASTE TIRE FACILITY IRREVOCABLE LETTER OF CREDIT

Secretary

Louisiana Department of Environmental Quality

Post Office Box 82478231

Baton Rouge, Louisiana 70884-21782231

~~Attention: Solid Waste Division, Recycling Section~~

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit Number _____ in favor of the Department of Environmental Quality of the State of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the closure fund for its [list site identification number, site name, and facility name] at [location], Louisiana for any sum or sums to up to the aggregate amount of U.S. dollars \$ _____ upon presentation of:

(1) A sight draft, bearing reference to the Letter of Credit Number _____ drawn by the administrative authority together with;

(2) A statement signed by the administrative authority, declaring that the operator has failed to perform closure in accordance with the closure plan and permit requirements and that the amount of the draft is payable into the Waste Tire Management Fund.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date, and on each successive expiration date thereof, unless, at least 120 days before the then current expiration date, we notify both the administrative authority and the [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder/applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft to the Department of Environmental Quality for deposit into the Waste Tire Management Fund in the name of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except as otherwise expressly agreed upon, this credit is subject to the uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Publication Number 400, or any revision thereof effective on the date of issue of this credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in the Louisiana Department of Environmental Quality's ~~Financial Assurance Documents~~ Waste Tire Regulations, LAC 33:VII.Chapter 105.Appendix A dated August 4, 1994, effective on the date shown immediately below.

[Signature(s) and Title(s) of Official(s) of issuing Institutions]

[Date]

Appendix B

Waste Tire Management Fund Prioritization System

Each waste tire site for which cleanup funds are solicited will be ranked according to the point system described below. The total number of points possible for any one site is 145 points. The points shall be allocated according to the following criteria:

I. Approximate Number of Tires in the Pile. This figure shall be an estimate by the department.

Number of Tires in Pile	Point Value
>1,000,000	50
250,001 - 1,000,000	40
100,001 - 250,000	30
50,001 - 100,000	20
<50,000	10

II. Proximity to Nearest Schools. If a school is located within the radius described below then the corresponding point value is assigned. Only one category may be chosen such that the maximum value allowed is 25.

Proximity to Nearest School	Point Value
School within 2 mile radius	25
School within 4 mile radius	17
School within 6 mile radius	9

III. Proximity to Residences. If 50 or more residences are located within the radius described below then the corresponding point value is assigned. Only one category may be chosen such that the maximum value allowed is 25.

Proximity to 50+ Residences	Point Value
50 or more within 2 mile radius	25
50 or more within 4 mile radius	17
50 or more within 6 mile radius	9

IV. Proximity to Hospitals and/or Nursing Homes. If a hospital and/or nursing home is located within the radius described below then the corresponding value is assigned. Only one category may be chosen such that the maximum value is 25.

Proximity to Hospital and/or Nursing Home	Point Value
Hospital and/or nursing home within 2 mile radius	25
Hospital and/or nursing home within 4 mile radius	17
Hospital and/or nursing home within 6 mile radius	9

V. Proximity to Major Highways. If a major highway is located within the radius described below then the corresponding value is assigned. Only one category may be chosen such that the maximum value is 20.

Proximity to Major Highway	Point Value
Major highway within $\frac{1}{4}$ mile radius	20
Major highway within $\frac{1}{2}$ mile radius	10

Appendix CWaste Tire Fee Collection Schedule

Waste tire fees shall be collected according to tire weight or by specific tire type identified in this Appendix.

<u>Code</u>	<u>Category</u>	<u>Waste Tire Fee</u>
A	0 to 100 pounds	\$2.00
B	101 to 120 pounds	6.00
C	121 to 140 pounds	7.00
D	141 to 160 pounds	8.00
E	161 to 180 pounds	9.00
F	181 to 200 pounds	10.00
G	201 to 220 pounds	11.00
H	221 to 240 pounds	12.00
I	241 to 260 pounds	13.00
J	261 to 280 pounds	14.00
K	281 to 300 pounds	15.00
L	301 to 320 pounds	16.00
M	321 to 340 pounds	17.00
N	341 to 360 pounds	18.00
O	361 to 380 pounds	19.00
P	381 to 400 pounds	20.00
Q	401 to 420 pounds	21.00
R	421 to 440 pounds	22.00
S	441 to 460 pounds	23.00
T	461 to 480 pounds	24.00
U	481 to 499 pounds	25.00
V	500 pounds or larger	No Fee

Waste Tire Fee Collection Schedule

\$2 shall be collected on all tires weighing less than 100 pounds unless specifically excluded by these regulations.

Medium Truck Tires

Bias, tube type	Code	Fee
825-20	A	\$2.00
900-20	A	2.00
1000-20	B	6.00
1000-22	B	6.00

Radial, tube type

900 R20	C	7.00
1000 R20	C	7.00
1100 R20	D	8.00
1200 R20	F	10.00
1400 R20	I	13.00
1100 R22	E	9.00
1100 R24	E	9.00
1200 R24	F	10.00

Radial, tubeless

9 R22.5	A	2.00
10 R22.5	B	6.00
11 R22.5	C	7.00
12 R22.5	D	8.00
11 R24.5	C	7.00
12 R24.5	D	8.00
<u>Radial, low profile</u>		
295/75 R22.5	C	7.00
285/75 R24.5	C	7.00

Super Single	Code	Fee
315/80 R22.5	D	8.00
385/65 R22.5	F	10.00
425/65 R22.5	G	11.00
445/65 R22.5	H	12.00

Rear Farm Tire, Bias

14.9-24	B	6.00
16.9-24	C	7.00
17.5L-24	D	8.00
18.4-24	F	10.00
19.5L-24	E	9.00
21L-24	H	12.00
16.9-26	H	12.00
18.4-26	H	12.00
23.1-26	N	18.00
28L-26	R	16.00
13.6-28	B	6.00
14.9-28	C	7.00
16.9-28	E	9.00
18.4-28	F	10.00
21L-28	J	14.00
16.9-30	F	10.00
18.4-30	F	10.00
23.1-30	L	16.00
24.5-32-R	R	22.00
VA500/95D32	U	25.00
16.9-34	G	11.00
18.4-34	H	12.00
20.8	M	17.00
23.1-34	N	18.00
11.2-38	B	6.00
12.4-38	B	6.00
13.6-38	C	7.00
15.5-38	D	8.00
16.9-38	G	11.00
18.4-38	I	13.00
20.8-38	N	18.00
9.5-42	A	2.00
20.8-42	P	20.00

Rear Farm Tire, Radial

280/70 R-18	I	13.00
380/70 R-20	B	6.00
380/70 R-34	D	8.00
14.9 R-24	G	11.00
320/75 R-24	A	2.00

16.9 R-24	F	10.00
16.9 R-26	G	11.00
18.4 R-26	J	14.00
620/75 R-26	R	22.00
13.6 R-28	D	8.00
14.9 R-28	G	11.00
16.9 R-28	H	12.00
600/65 R-28	G	11.00
420/70 R-28	F	10.00
480/70 R-28	J	14.00
440/80 R-28	B	6.00
380/85 R-28	B	6.00
420/85 R-28	B	6.00
385/80 R-30	B	6.00
420/90 R-30	B	6.00
14.9 R-30	G	11.00
16.9 R-30	I	13.00
18.4 R-30	I	13.00
480/70 R-30	K	15.00
520/70 R-30	J	14.00
540/65 R-30	J	14.00
30.5L R-32	Q	21.00
12.4 R-32	S	23.00
14.9 R-34	G	11.00
320/85 R-34	E	9.00
380/85 R-34	G	11.00
385/85 R-34	H	12.00
480/85 R-34	I	13.00
16.9 R-34	I	13.00
18.4 R-34	I	13.00
12.4 R-36	I	13.00
13.6 R-36	I	13.00
15.5 R-38	F	10.00
480/80 R-38	J	14.00
520/85 R-38	O	19.00
18.4 R-38	M	17.00
20.8 R-38	P	20.00
13.6 R-38	I	13.00
16.9 R-38	J	14.00
320/90 R-42	F	10.00
480/80 R-42	M	17.00
520/85 R-42	Q	21.00

18.4 R-42	M	17.00
20.8 R-42	R	22.00
14.9 R-46	K	15.00
18.4 R-46	P	20.00
320/90 R-46	H	12.00
340/85 R-46	K	15.00
380/90 R-46	J	13.00
380/85 R-46	L	16.00
420/80 R-46	L	16.00
480/80 R-46	L	16.00
520/85 R-46	T	24.00
480/80 R-50	R	22.00

Construction Tires Including Grader and Loader

750-15	A	2.00
820-15	A	2.00
825-20	A	2.00
900-15	A	2.00
900-16	A	2.00
950-20	I	13.00
1000-24	B	6.00
1100-16	A	2.00
1100-20	E	9.00
1200-20	H	12.00
1200-24	K	15.00
1200 R-24	M	17.00
1300-20	O	19.00
1300-24	G	11.00
1300 R-24	J	14.00
1400-20	L	16.00
1400 R-20	K	15.00
1400 R-21	K	15.00
1400-24	P	20.00
1400 R-24	Q	21.00
1400-25	J	14.00
1400 R-25	R	22.00
1600-16	A	2.00
1600-20	K	15.00
1600 R-20	M	17.00
1600-21	R	22.00

Proposed Rule/August 20, 2000

SW029

<u>1600 R-21</u>	<u>O</u>	<u>19.00</u>
<u>1600-24</u>	<u>P</u>	<u>20.00</u>
<u>1600 R-24</u>	<u>P</u>	<u>20.00</u>
<u>2725-21</u>	<u>O</u>	<u>19.00</u>

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES LOG #: SW029

Person

Preparing

Statement: Dennis Duszynski

Dept.: Environmental
Quality

Phone: (225) 765-0230
Assessment

Office: Environmental

Return

Address: P.O. Box 82231

Rule

Title: Revision of
Waste Tire Regulations
(LAC 33:VII Chapter 105)

Baton Rouge, LA 70884

Date Rule

Takes Effect: Upon Promulgation

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The implementation cost will be \$3,646,697. This results from an increase from \$1.00 per twenty pounds of waste tire material paid to Louisiana waste tire processors to \$1.50 per twenty pounds of waste tire material.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Waste Tire Management Fund will collect an additional \$3,080,000 approximately per year based new fees on 35,000 off-

road tires at an average fee of \$20 per tire and 595,000 truck tires at an average fee of \$6 per tire.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The estimated off-road and truck tire fee increases will be borne directly by those individuals purchasing these tires. Waste tire processors will realize a 50% increase in Waste Tire Management Fund payments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment.

Signature of Agency Head or
Designee

LEGISLATIVE FISCAL OFFICER OR
DESIGNEE

James H. Brent, Ph.D., Assistant Secretary
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

LF0 10/05/92

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The rule clarifies definitions, simplifies the exemption process, simplifies the standards for waste tire generators, transporters and recyclers, and implements the fee for off-road tires and tires weighing more than 100 pounds. The rule also implements a raise in payments to waste tire processors from \$1.00 per 20 pounds of waste tire material processed and marketed to \$1.50 per 20 pounds.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule will allow the Department to address off-road tires. Off-road tires have been previously excluded from regulation. Many portions of the regulations have not been updated since inception in 1994. This opportunity is being taken since revision to include off-road tires is required by legislative act. The proposed rule will also allow a payment increase to waste tire processors who have not received an increase since program inception in 1992.

- C. Compliance with Act II of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be an increase in the expenditure of funds in the amount of approximately \$3,646,697 per year from the Waste Tire Management Fund.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) X Yes. If yes, attach documentation.
(b) No. If no, provide justification as to why this rule change should be published at this time.

The increased expenditures will come from the Waste Tire Management Fund which is appropriated in FY2001 to cover this increase in expenditures.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 00-01	FY 01-02	FY 02-03
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES	\$3,646,697	\$3,646,697	\$3,646,697
<u>EQUIPMENT</u>			
TOTAL	\$3,646,697	\$3,646,697	\$3,646,697
<u>MAJOR REPAIR & CONSTR.</u>			
POSITIONS(#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Payments from the Waste Tire Management Fund to Louisiana waste tire processors will increase from \$1.00 per twenty pounds of waste tire material to \$1.50 per twenty pounds of waste tire material.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED	\$3,646,697	\$3,646,697	\$3,646,697
FEDERAL FUNDS			
<u>OTHER (Specify)</u>			
TOTAL	\$3,646,697	\$3,646,697	\$3,646,697

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The agency has sufficient funds in the Waste Tire Management Fund.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The impact on local governments will be directly proportional to the number of off-road tires purchased on a retail basis.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*	\$3,080,000	\$3,080,000	\$3,080,000
FEDERAL FUNDS			
<u>LOCAL FUNDS</u>			
TOTAL	\$3,080,000	\$3,080,000	\$3,080,000

*Specify the particular fund being impacted.

*Waste Tire Management Fund

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This rule will change the fee collection schedule to add fees for truck tires (595,000 tires at an average fee of \$6 per tire) and off-road tires (35,000 tires at an average fee of \$20 per tire).

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The impact on directly affected persons (those people who purchase off-road or truck tires) will be directly proportional to the number of off-road or truck tires purchased at the retail level.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The estimated off-road fee increase will be borne directly by those individuals purchasing off-road or truck tires. This will result in waste tire processors in the state receiving 50% more funds from the Waste Tire Management Fund.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no estimated effect on competition or employment as the proposed rule would apply equally to all retailers.

